



AMENDMENT NO. _____ Calendar No. _____

Purpose: To prohibit certain entities from obtaining relief relating to the infringement of a patent.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. 1790

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cc	By <u>Rubio</u>	art-
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GPO: 2018 33-682 (mac)

AMENDMENT intended to be proposed by Mr. RUBIO

Viz:

1 At the appropriate place in title X, insert the fol-
2 lowing:

3 SEC. _____. PROHIBITION ON RELIEF RELATING TO PAT-
4 ENT INFRINGEMENT.

5 (a) DEFINITION.—In this section, the term “covered
6 entity”—

7 (1) means an entity that—

8 (A) is owned by, controlled by, affiliated
9 with, or acting at the direction of an entity that
10 is organized under the laws of, or otherwise

1 subject to the jurisdiction of, a country, the
2 government of which is on the priority watch
3 list established by the United States Trade
4 Representative pursuant to section 182(a) of
5 the Trade Act of 1974 (19 U.S.C. 2242(a));
6 and

7 (B) has engaged in an action that is pro-
8 hibited under—

9 (i) section 1(a) of Executive Order
10 13873 (84 Fed. Reg. 22689; relating to se-
11 curing the information and communica-
12 tions technology and services supply
13 chain); or

14 (ii) any regulations issued in response
15 to the Executive Order described in clause
16 (i); and

17 (2) includes any subsidiary, affiliate, employee,
18 or representative of, and any related party with re-
19 spect to, an entity described in paragraph (1), with-
20 out regard to the location or jurisdiction of incorpo-
21 ration of that subsidiary, affiliate, employee, rep-
22 resentative, or party, as applicable.

23 (b) PROHIBITION.—Notwithstanding any other provi-
24 sion of law or regulation, no covered entity may—

1 (1) bring or maintain an action for infringe-
2 ment of a patent under title 35, United States Code;

3 (2) file a complaint with the United States
4 International Trade Commission for an investigation
5 under section 337 of the Tariff Act of 1930 (19
6 U.S.C. 1337); or

7 (3) otherwise obtain any relief under the laws
8 of the United States, including for damages, injunc-
9 tive relief, or other redress, with respect to a patent
10 issued by the United States Patent and Trademark
11 Office.